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EXAMINER
MOK, ALEX W

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McGLEW AND TUTTLE, P.C.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/055,457

Applicant(s)

YUI, TOSHIYA

Examiner

Alex W. Mok

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Amendment

1. Acknowledgement is made of Amendment filed August 2, 2007.
2. Acknowledgement is made of the amendments to the drawings submitted in the Amendment filed August 2, 2007. Acknowledgement is also made of the clarification of the information disclosure statement regarding the typographical errors of reference JP 51-13503.

Claim Objections

3. Claims 1, 4, and 6 are objected to because of the following informalities: in claim 1, line 14, the term "engagement holder" should be corrected to "engagement hole"; in claims 4 and 6, the term "bush" should be corrected to "brush"; and in claim 6, the term "brush arm" has no antecedent basis in the claim. For the purpose of examination, the terms "brush arm" and "holder" in claim 6 will be considered to mean "first brush mounting element" and "second brush mounting element", respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Laid-Open Application No.: S63-66054.

For claim 4, Japanese Laid-Open Application No.: S63-66054 (hereinafter JP '054) teaches a brush holder device comprising a brush including an integrally formed engagement portion (reference numeral 13, see figure 1); a brush arm (reference numeral 1) having a defined engagement hole (reference numeral 2), said engagement hole having substantially the same shape as that of said engagement portion of said brush (see figure 1), said brush arm including a first brush contact portion located at one edge defining said engagement hole and a second brush contact portion located at another edge defining said engagement hole, said first brush contact portion being opposite said second brush contact portion (see figure 1); and

a holder (reference numeral 7) having a defined brush receiving hole (reference numeral 8), said brush receiving hole having substantially the same shape as that of the engagement portion of said brush (see figure 1), said holder including a third brush contact portion located at an edge defining said brush receiving hole and a fourth brush contact portion located at another edge defining said brush receiving hole (see figure 1), said third brush contact portion being opposite said fourth brush contact portion (see figure 1), said holder being connected to said brush arm such that said engagement hole aligns with said brush receiving hole (see figure 3), said engagement portion of said brush extending through said engagement hole and said brush receiving hole such that said first, second, third and fourth brush contact portions engage said engagement

portion, whereby said brush is connected to said holder and said brush arm (see figure 3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Laid-Open Application No.: S63-66054, and further in view of Uchino et al. (Japanese Patent Document No.: JP 11252869 A).

For claim 1, Japanese Laid-Open Application No.: S63-66054 (hereinafter JP '054) teaches a brush holder device comprising a brush including an integrally formed engagement portion (reference numeral 13, see figure 1); a brush arm (reference numeral 1) having an engagement hole formed therein (reference numeral 2), the engagement hole assuming substantially the same shape as that of the engagement portion of the brush (see figure 1), and the edges of the engagement hole constituting the brush arm brush contact portions;

and a holder (reference numeral 7) having an engagement hole formed therein (reference numeral 8) and holder brush contact portions formed via bending (see figure 1), the engagement hole assuming substantially the same shape as that of the engagement portion of the brush (see figure 1), said holder being fixed to said brush

arm such that the engagement hole of said holder is aligned with the engagement hole of said brush arm (see figure 3), wherein said engagement portion of said brush is press-fitted into the engagement holes of said holder and said brush arm (see figure 3). JP '054 does not disclose the brush arm brush contact portions extending through the engagement hole of the holder, nor the holder brush contact portions formed on opposite edges in a longitudinal direction of the brush arm.

Uchino et al. disclose brush contact portions (reference numerals 2n, 2g) on each of the four sides of the engagement hole of the brush arm (see figures 1, 2).

It would have been obvious to have the brush arm brush contact portions extending through the engagement hole of the holder and also have the holder brush contact portions be on opposite edges in the longitudinal direction, since Uchino et al. already disclose brush contact portions on opposite edges in the longitudinal direction, and a person of ordinary skill in the art could have modified the holder of JP '054 to include the brush contact portions oriented in the longitudinal direction for the purpose of enhancing the rigidity of the device, and since Uchino et al. show brush contact portions extending upward on the brush arm, a person of ordinary skill in the art could combine this with the holder of JP '054 so that these brush contact portions of the brush arm can extend through the engagement hole of the holder for the purpose of better supporting the brush fitting into the engagement hole.

For claim 6, JP '054 teaches a brush holder device comprising a brush including an integrally formed engagement portion (reference numeral 13, see figure 1); a first brush mounting element (reference numeral 1) having a defined engagement hole

(reference numeral 2), said engagement hole having substantially the same shape as that of said engagement portion of said brush (see figure 1), said first brush mounting element including a first brush contact portion located at one edge defining said engagement hole and a second brush contact portion located at another edge defining said engagement hole, said first brush contact portion being opposite said second brush contact portion (see figure 1); and

a second brush mounting element (reference numeral 7) having a defined brush receiving hole (reference numeral 8), said brush receiving hole having substantially the same shape as that of the engagement portion of said brush (see figure 1), said second brush mounting element including a third brush contact portion located at an edge defining said brush receiving hole and a fourth brush contact portion located at another edge defining said brush receiving hole (see figure 1), said third brush contact portion being opposite said fourth brush contact portion (see figure 1), said second brush mounting element being connected to said first brush mounting element such that said engagement hole is in alignment with said brush receiving hole (see figure 3), said engagement portion of said brush extending through said engagement hole and said brush receiving hole such that said first, second, third and fourth brush contact portions are in direct contact with said engagement portion, whereby said brush is connected to said second brush mounting element and said first brush mounting element via said first, second, third and fourth brush contact portions (see figure 3). JP '054 does not disclose the first brush contact portion and the second brush contact portion extending through the brush receiving hole.

Uchino et al. disclose brush contact portions (reference numerals 2n, 2g) on each of the four sides of the engagement hole of the brush arm (see figures 1, 2).

It would have been obvious to have the first and second brush contact portions extending through the brush receiving hole, since Uchino shows the brush contact portions bent upward on the brush arm, and a person of ordinary skill can modify the first and second brush contact portions of JP '054 to include this technique of Uchino et al. and have them extend through the brush receiving hole for the purpose of better supporting the brush fitting into the engagement hole.

8. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '054 and Uchino et al. as applied to claims 1 and 6 above, and further in view of Yoshida (US Patent No.: 4238703).

For claims 3 and 7, JP '054 and Uchino et al. disclose the claimed invention except for the fins on the holder formed through bending along opposite ends thereof, the ends being opposite along a longitudinal direction of the brush arm.

Yoshida teaches a brush device having opposite ends of the engagement hole being bent along a longitudinal direction (reference numerals 9b, 9c, see figures 10-11).

It would have been obvious to include fins on the holder, since the same process of bending the ends of the holder essentially forms the fins, and a person of ordinary skill in the art would have been able to include this configuration for the purpose of achieving high heat radiation effect.

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9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '054 as applied to claim 4 above, and further in view of Yoshida (US Patent No.: 4238703).

For claim 5, it would have been obvious to include fins on the holder for the same reasons given for claims 3 and 7 above.

Response to Arguments

10. Applicant's arguments with respect to claims 1 and 3-7 have been considered but are moot in view of the new ground(s) of rejection. The references of JP '054 in view of Uchino et al. and Yoshida teach the claim limitations as explained above in this action.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex W. Mok whose telephone number is (571) 272-9084. The examiner can normally be reached on 7:30-5:00 Eastern Time, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alex W. Mok
Examiner
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